IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 17534 of 1995

Between:

G. Narayana Rao s/o late Seshavataram
aged about 45 years, r/o Guntur

..... PETITIONER

AND

1 The Dist. Collector, Guntur, Guntur District
2 The Spl. Land Acquisition Officer and Spl Dy. Collector
Sethanapally, Guntur Dist.
3 The Chief Engineer N.S.Project, Nagarjuna sagar
Guntur Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly in the nature of a writ of mandamus directing the respondents to redeliver the land situated in D. No. 349/1 an extent of Ac. 0.62 1/2 cents situated in Sathenapalli town which was found not necessary for acquisition purpose after calling for the records.

Counsel for the Petitioner: MR.S.VENKATESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

This Writ Petition has been filed seeking Writ of Mandamus to direct the respondents to redeliver the land situated in D.No. 349/1 an extent of Ac.0.62 ½ cents situate in Sathenapalli Town which was found not necessary for acquisition purpose after calling for the records.

According to the petitioner, his lands have been acquired by the respondents for the purpose of N.S. Project, Nagarjunasagar Canal under the due process of law. But however, it is an admitted fact according to the petitioner that all the lands in questioned proceedings have reached finality. But however, the Chief Engineer, N.S.Project, Nagarjunasagar Canal-3rd respondent has passed an office endorsement No.28839-T 21/76 dated 6.5.1979 intimating to all the concerned Superintendent Engineers to the effect that the lands which are no more required can be handed over to the original owners. But however, basing on the such endorsement the petitioner has chosen to file the Writ Petition.

It has to be observed that the endorsement of the 3rd respondent is of 1979 and the petitioner has this Writ Petition in the year 1995 that is nearly after a period of 16 years and hence, the writ petition itself is a belated one. Secondly even though, the 3rd respondent has issued an office endorsement, it does not contain the approval of the Government.

A reading of the endorsement itself goes to show that the endorsement do not refer to any approval of the Government.

Under the above circumstances, the Writ Petition is liable to be dismissed on the ground of delay and lapses on the part of the petitioner and more so in the absence of any material to show that the third respondent has got any such power to issue an

office memorandum of redelivering of the assigned lands, which is against the provisions of the Land Acquisition Act, after the land acquisition Act proceedings reached finality in the year 1963 itself.

Accordingly, the Writ Petition is dismissed. No costs.

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09-09-2004

kvrm/tsy

To

1 The Dist. Collector, Guntur, Guntur District
2 The Spl. Land Acquisition Officer and Spl Dy. Collector
Sethanapally, Guntur Dist.

3 The Chief Engineer N.S.Project, Nagarjuna sagar
Guntur Dist.

4. 2 CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies.